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SUBJECT: AFGHAN GOVERNMENT FOCUSES ON ELECTION PLANNING

REF: A. KABUL 1198
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KABUL 00003727 001.2 OF 005

SUMMARY

[1](#)1. (SBU) The October 3 JCMB has helped the Afghan government focus on the need to make several key decisions which will enable the Independent Election Commission (IEC) to move forward with plans for the 2009/10 Presidential, Parliamentary, and Provincial Council elections. Parliament is committed to passing a new Elections Law by early spring. President Karzai has asked Parliament to provide him with recommendations on streamlining the politically-sensitive Electoral Calendar. These decisions will inform the JCMB's decision in February 2008 whether to amend the Afghanistan Compact benchmark to split off the voter registry from the planned very complicated civil registry project. The draft report of the commission President Karzai formed to ensure that the Afghan-run IEC has sufficient resources to pull off credible and efficient elections highlights the IEC's resource and staff shortages and refers the decision on the voter registry back to the Council of Ministers. So far, the U.S. is the only donor to make a concrete financial commitment for the next elections; other donors emphasize the importance of "financial sustainability," a sign that they are likely to make limited contributions. The Embassy is developing a gameplan to encourage timely decisions by the Afghan government on the Elections Law and the Electoral Calendar, adoption of a simple-as-possible voter registry, robust support for the IEC, and early commitments by other donors for the overall election project. End Summary.

FOUR ELECTIONS ISSUES

[1](#)2. (SBU) Based on prior discussions within the JCMB Elections Working Group, Independent Elections Commission (IEC) Chairman Azizullah Ludin briefed the full JCMB on September 3 on four issues that must be resolved in order for elections planning to move forward: the Civil and Voter Registry, the draft Election Law, the timing of future elections, and

support for the IEC. The status of the four major elections issues are outlined below.

11. SPLITTING THE CIVIL AND VOTER REGISTRY (CVR)

13. (SBU) The Afghanistan Compact mandated a combined Civil and Voter Registry (CVR), envisioned as a single plastic card functioning as both a national identification and a voter registration card. There had been growing questions about the costs and sustainability of a combined registry, particularly the proposal for one based on biometrics. A delayed and expensive UNDP pilot project confirmed that this system would result in a much more complicated and expensive system than required for elections alone and was very unlikely to be completed in time for the next elections. The pilot project reinforced the broad support in the international community and Afghan government for a separate voter registry consistent with the agreed goal of establishing a feasible, affordable and sustainable elections system.

14. (SBU) The Council of Ministers agreed on June 25 that the civil and voter registries should be split, following lobbying by the Ministry of Interior. The MOI was reportedly motivated by concern that the \$30 million the Ministry of Finance has slated for the purchase of a printing press for the production of national identification cards (as well as land titles, passports, ballot papers, and other valuable documents) would remain with the MOI if, as happened weeks later, civil functions were moved out of the ministry. The Independent Election Commission (IEC) recognized that it would be nearly impossible to complete a joint registry before the 2009 election, but continues to resist the idea of splitting the civil and voter lists, we understand largely out of concern that doing so would mean funds dedicated to

KABUL 00003727 002.2 OF 005

the MOI's civil registry project would no longer be available for the voter registry. We have assured the IEC that USAID is prepared to provide funds to make up all or part of the loss, starting with a \$15 million grant to UNDP for voter registration. The Cabinet Commission formed by President Karzai to address challenges faced by the IEC noted these different views and referred the issue back to the Council of Ministers, which is expected to confirm its support for separate registries.

15. (SBU) Consistent with the commitment that elections should be Afghan-led, and recognizing that final decisions on the details of the voter registration system will need to reflect the system established in the new election law, the JCMB on October 3 simply expressed support, in principle, for amending the Afghan Compact benchmark to de-link the combined CVR. It agreed to wait until the JCMB in February 2008 to formally amend the Compact to split the time-sensitive voter registry from the civil registry. UNDP estimates that the process of compiling a separate voter registry will need to begin in Spring 2008 and cost approximately \$100 million.

II. THE ELECTION LAW: SNTV VERSUS PR

16. (SBU) The draft Elections Law submitted by the IEC to the Ministry of Justice Legislative Affairs office (Taqnin) will likely be approved by the Cabinet and submitted to Parliament this fall, possibly for a vote by early spring. The behind-the-scenes debate is about the degree to which the electoral system should encourage a stronger party system. President Karzai opposes party-based elections as an invitation for the reemergence of tribal and/or warlord-based politics. He favors a version of the Single Non-Transferable Voting (SNTV) system used in the 2005 elections. Many parliamentarians, most notably supporters of the United Front (ref A), favor a stronger role for parties and support a mixed Proportional Representation (PR) system that allocates

a percentage of seats to political parties. The version of the draft law currently under consideration is based on simplified SNTV, with some modifications to the law used for the previous elections. Most notably, it permits the inclusion of a candidate's party affiliation on the ballot papers, a feature which was not permitted in the 2005 elections.

17. (SBU) We have underlined that the choice of a system is for the Afghans to decide for themselves, but we are also quietly urging an early decision. The law will likely need to be signed by spring 2008. Under the Afghan Constitution, the Electoral Law cannot be amended within the 12 months prior to an election. As noted above, in order to have the election registration list ready for elections, work on the list, which must reflect the law, will need to begin by spring 2008. (NOTE: The changes to the Electoral Law only affect the Parliamentary and Provincial Council elections, not the Presidential election. If only the Presidential election is held in 2009, then the election law does not need to be implemented until spring 2009, one year prior to the Parliamentary and Provincial Council elections in 2010. END NOTE.) If Karzai and the Parliament do not strike a deal, the same law from the 2004/5 elections will apply in 2009/10. The draft Election Law does not differ dramatically from the legacy law, so the direct impact of this would be minor, but an early decision would remove this contentious issue from the political agenda and prevent further delay in preparations for the elections.

18. (SBU) A visiting elections expert from the International Foundation for Electoral Systems (IFES), Andrew Reynolds, told Poloff following several weeks of local consultations that Parliament continues to push for more significant reforms than Karzai and the IEC are offering. He speculated that some parliamentary factions may be gearing up for a fight; others may be jockeying for concessions on other issues in return for compromise on the Election Law. The international community continues to underline to the government support for an Afghan decision, but also the need

KABUL 00003727 003.3 OF 005

for timely action.

19. (SBU) Regardless of the system adopted, the draft Elections Law foresees some form of minimal redistricting. In the last elections, each province functioned as a multi-member electoral constituency based on population estimates. The version of the Election Law under consideration stipulates that no single electoral district can have more than 10 representatives. This means that provinces entitled to more than 10 seats on the basis of population estimates will be subdivided into 2-4 districts. Smaller electoral districts means more representative elections and shorter (and cheaper) ballots, but the delineation process is typically highly controversial. For example, Herat easily divides into two districts (Herat city and the rest of the province), but it is not obvious how Kabul would be divided into its four districts. Hazara Wolesi Jirga member Mohammad Mohaqiq told IFES's Andy Reynolds to expect redistricting to be contentious.

III: STREAMLINING THE ELECTORAL CALENDAR

10. (SBU) The Afghan Constitution currently requires at least 12 nation-wide elections before 2020. The Afghans and the international community recognize this will be a huge burden on Afghanistan's fragile institutions and limited resources and is likely to produce voter apathy. There are calls for simplifying the election calendar, starting with the next cycle. The IEC, UNAMA, and most donors focus on resource issues and favor harmonization of the 2009/10 Presidential, Parliamentary (Wolesi Jirga), and Provincial Council elections. ISAF also favors fewer elections for security

reasons. The Ambassador has said he does not oppose adjustments in the calendar but also highlights that separate presidential and parliamentary elections contribute to the democratic and plural character of a government. He has said Afghanistan should not be allowed only as much democracy as the international community is willing to pay for. He also underlines that it must be an Afghan decision.

¶11. (SBU) President Karzai has asked Parliament to provide him with recommendations on streamlining the elections calendar. The commission he established to look at the IEC did not address the issue, but MP Registani's Electoral Affairs Committee has met once and plans to hold further discussions. A UNAMA options paper taking account of constitutional, political, operational, and climatic considerations, outlines the implications of the three main options for the 2009/10 cycle.

¶12. (SBU) Option One: Combined Presidential, Provincial Council, and Wolesi Jirga elections in March 2009 could be the cheapest option (according to UNDP) at a total estimated cost of \$222-265 million over 20 months. However, election preparation during the winter has never been tried in Afghanistan, spring elections are logistically difficult in large parts of the north, and cost savings could be eroded by the need for the immediate ramp-up of Afghan and international resources. The IEC has considerable capacity shortfalls and may not be ready in time. Politically, it would require the Wolesi Jirga to reduce the length of its term by over six months, something that members have been loath to do. Wolesi Jirga Speaker Qanooni reportedly opposes any such option that has the elections on the same day because it could make him chose between running for President and retaining his seat in Parliament, although some in UNAMA have suggested that the Constitution may not explicitly forbid a candidate to run for both offices simultaneously.

¶13. (SBU) Option Two: Presidential elections in March 2009 and joint Provincial Council and Wolesi Jirga elections in Spring 2010 are the most constitutionally-compliant option, depending on how the terms in office are interpreted (e.g. whether measured from the date of the election or the first day on the job, whether a five year term ends exactly five

KABUL 00003727 004.3 OF 005

years from the start or merely during the fifth calendar year, or how to measure the terms of delayed elections, etc.). It only requires a six-month delay for Provincial Council elections, for which there is already a precedent. This option puts the two most similar and complex elections together as the final event in the sequence, thereby leaving more time for preparation and the development of the voter registry. This is the only option that would permit a delay on passage of the Election Law until spring 2009 (vice 2008) because the changes in the law do not affect the Presidential election. Elections in the spring remain disadvantageous to the north. Holding separate elections in 2009 and 2010 extends the operational timeframe to 32 months, bringing UNDP's estimate of the total cost to \$277-355 million.

¶14. (SBU) Option Three: Joint Presidential and Provincial Council elections in fall 2009 and Wolesi Jirga elections in fall 2010 would require the Wolesi Jirga to stay in office beyond its five year term. If all stakeholders can agree on an interpretation of term lengths, this will allow for more time to conduct the electoral planning and voting when weather conditions are more suitable. However, security may be a greater concern because better weather also facilitate insurgent operations. This option risks donor and voter fatigue by extending the operational timeframe to 37 months for a total UNDP cost estimate of \$282-330 million.

¶15. (SBU) These options take into account several political red-lines. President Karzai has stated he will not agree to lengthening his mandated term. He is also adamantly opposed

to a Loya Jirga, which opposition groups claim would be required to amend the Constitution to change the election calendar. Karzai understands it would be difficult to limit the authority of a Loya Jirga and is aware it might be used to propose more fundamental constitutional changes. (These may include amendments, supported by the Northern Alliance-backed United Front, to introduce a parliamentary system with a prime minister and to replace a system of governors appointed by the executive with elected governors.) There are reports of behind-the-scenes discussions between the palace and parliamentary power brokers on the calendar and related issues.

IV. DONOR SUPPORT FOR IEC CAPACITY AND SECURITY

¶16. (SBU) The 2004/2005 elections, run by the UN Joint Election Monitoring Board (JEMB), were expensive and difficult to execute. The U.S. contributed \$95 million to the \$312 million UNDP project for the 2004/5 elections, and financed additional electoral support programs estimated at over \$75 million. Since the Afghan-run Independent Election Commission (IEC) took over from the JEMB, it has lost much of its experienced staff due to the transition from a heavily subsidized international pay scale to much lower civil service salaries. Those working closely with the IEC are concerned about its ability to conduct effective voter education programs and administer elections without significant and immediate capacity building assistance, including an infusion of resources beyond what the Ministry of Finance is prepared to provide.

¶17. (SBU) The cost of the 2009/10 elections is likely to be similar to the previous elections, but there are opportunities to save money. With fewer expensive international staff and local employees on the Afghan government pay scale, staff salaries will decrease, but will be offset somewhat by the need for intensive capacity building for the IEC's inexperienced staff. Shorter ballots, better planning, and a new voter registry may decrease the outrageous ballot printing costs from the previous elections.

Security was the single largest expense in the 2004/5 elections. The U.S. spent approximately \$50 million on private security. ISAF's presence in the provinces may help reduce security expenses, even though the security environment is less permissive in some parts of the country than in 2004/5. A security assessment is needed with the assistance of PRTs. We are working to engage ISAF in

KABUL 00003727 005.3 OF 005

election security, starting with providing information for an elections security assessment.

¶19. (SBU) So far, the U.S. is the only donor to make a concrete financial commitment for the next elections. The FY 2008 supplemental includes a request for about \$100 million for elections and the FY 2009 budget includes \$97 million in election and political party support. Other donors have emphasized the importance of "financial sustainability," no doubt a priority, but also a euphemism for reduced contributions. A decision by the Afghan government on the Electoral Calendar will allow for more precise estimates.

THE WAY FORWARD

¶20. (SBU) The Embassy is developing a game plan for supporting elections under the various scenarios that may emerge based on GOA decisions over the coming months. We will continue to remind the Palace and parliamentary leadership of the importance of timely decisions, particularly the importance of avoiding elections decisions being held hostage to other issues. When appropriate, we will facilitate acceptable political agreements among Afghans on issues, including the Election Law and Electoral Calendar. We will underline to the GOA the need to adequately support

the IEC. We will continue to work with UNAMA and through the JCMB to formalize separation of the civil and voter registries. We will also continue to resist suggestions from our international partners that security conditions could delay or prevent elections, underlining that it is up to the international community to ensure elections can and do take place. Finally, we will continue to press donors for significant commitments to help cover election costs. Washington support on this final issue will be most helpful, including ensuring adequate donor support for elections is one of the goals of any upcoming Afghan donor conference.

WOOD